

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1: 17 MJ 9011
)	
Plaintiff,)	CHIEF JUDGE SOLOMON OLIVER, JR.
)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
v.)	
)	<u>GOVERNMENT'S MOTION TO</u>
PHILLIP R. DURACHINSKY,)	<u>CORRECT WAIVER OF RIGHTS</u>
)	
Defendant.)	

The United States of America, by and through its counsel, David A. Sierleja, Attorney for the United States, Acting Under Authority Conferred by 28 U.S.C. § 515, and Daniel J. Riedl, Assistant U.S. Attorney, respectfully requests the Court allow the parties to file a corrected Waiver of Rights form. The corrected form rectifies three scrivener's errors made in the waiver of rights proposed to the Court on October 30, 2017.

On October 30, 2017, the Government filed a Motion to Extend Time for Returning Indictment. (R.29: Motion; PageID 83). The Motion attached a signed Waiver of Rights form (R.29-1: Waiver of Rights; PageID 89). The Motion was granted by this Court via marginal entry the same day. (R.30: Waiver of Rights; PageID 90). While the motion and waiver both correctly indicated that the defendant was waiving his right to have an indictment or information filed up to and including January 10, 2018, there were three scrivener's errors in the waiver. The following redline paragraph illustrates the errors and their corrections:

We, the attorneys for the respective parties, and I, PHILLIP R. DURACHINSKY, the defendant, with the consent of the Court, hereby waive any of the rights to have this case presented to a Grand Jury within ~~sixty (60)~~thirty (30) days pursuant to the provisions of Title 18, United States Code, Sections 3161(b) and 3161(h). I hereby waive this ~~sixty (60)~~thirty (30) day period for an additional ~~thirty~~fifty (50) days, that is up to and including January 10, 2018.

In an abundance of caution and to avoid undue confusion, the parties have signed a corrected waiver, attached hereto. Counsel for the government apologizes for the errors and will take steps to ensure they are not repeated.

Respectfully submitted,

DAVID A. SIERLEJA
Attorney for the United States, Acting Under
Authority Conferred by 28 U.S.C. § 515

By: /s/ Daniel J. Riedl

Daniel J. Riedl (OH: 0076798)
Assistant United States Attorney
United States Court House
801 West Superior Avenue, Suite 400
Cleveland, OH 44113
(216) 622-3669
(216) 522-7358 (facsimile)
Daniel.Riedl@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November 2017, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Daniel J. Riedl

Daniel J. Riedl

Assistant U.S. Attorney